

BEVERAGE AND BEVERAGE MATERIAL

18651. Adulteration and misbranding of Fresh-A orange drink. U. S. v. 294 Cases * * *. (F. D. C. No. 28729. Sample No. 63392-K.)

LIBEL FILED: February 17, 1950, District of Maine.

ALLEGED SHIPMENT: On or about January 9, 1950, by Lincoln Foods, Inc., from Lawrence, Mass.

PRODUCT: 294 cases, each containing 6 jugs, of Fresh-A orange drink at Waterville, Maine. Examination showed that the product was diluted orange juice containing not more than 50 percent of orange juice and about $\frac{1}{3}$ of the vitamin C present in orange juice.

LABEL, IN PART: (Jug) "Fresh-A Orange A Vitamin Drink * * * Fresh-A Juice Co. * * * Lawrence, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of water, citric acid, orange pulp, orange oil, and sugar had been substituted for orange juice, which the article purported and was represented to be; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality and strength.

Misbranding, Section 403 (a), the design of a cut orange and the statements on the bottle label "Fresh-A Orange A Vitamin Drink * * * Fresh-A Juice Co. * * * To the natural strength orange juice there has been added concentrated juice containing oils and minerals of tree ripened California oranges, water, pure cane sugar, citric acid, Vitamin C" were false and misleading. The design and the statements represented and suggested that the article was a superior type of orange juice providing, in addition to the natural nutritive value of orange juice, vitamin C and the nutritive value of concentrated orange juice. The article contained not more than 50 percent of orange juice and less vitamin C than orange juice.

Further misbranding, Section 403 (a), certain statements in accompanying circulars entitled "For Year Round Health," which were shipped with the article, were false and misleading. The statements represented and suggested that the article was superior to orange juice in nutritive value; that it was effective in building strong, healthy bodies, teeth, and gums, and in building up resistance to colds and other respiratory infections; and that it was effective in maintaining the normal bowel activity in adults and children. The article was not superior to orange juice in nutritive value, but was inferior, and it was not effective for the purposes stated and implied.

DISPOSITION: March 1, 1950. The Fresh-A Juice Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

18652. Adulteration of coffee concentrate. U. S. v. 250 Cases * * *. (F. D. C. No. 32859. Sample No. 36060-L.)

LIBEL FILED: March 10, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 30, 1951, from Dubuque, Iowa.

PRODUCT: 250 cases, each containing 24 6-ounce bottles, of coffee concentrate at Hamilton, Ohio. Examination showed that the product was undergoing progressive decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 16, 1952. Default decree of condemnation and destruction.

CANDY, SIRUP, AND SUGAR

CANDY

18653. Adulteration of candy. U. S. v. Original Allegretti, Inc., and Bernard D. Garfinkel. Pleas of guilty. Each defendant fined \$200, plus costs. (F. D. C. No. 31588. Sample Nos. 9144-L, 9146-L to 9148-L, incl., 10013-L, 32939-L, 32941-L, 32943-L.)

INFORMATION FILED: April 25, 1952, Northern District of Illinois, against Original Allegretti, Inc., Chicago, Ill., and Bernard D. Garfinkel, president.

ALLEGED SHIPMENT: On or about September 6, 18, and 19, 1951, from the State of Illinois into the States of Indiana and Wisconsin.

LABEL, IN PART: "Old Fashioned Bittersweet Chocolate Creams," "Famous Chocolate Creams," "Hand Rolled Hand Dipped Milk and Dark Assorted Chocolates," "Fiesta Sweets," "Milk and Bittersweet Chocolates," "Summer Sweets," "Tri Assortment," and "Assorted Milk Chocolates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 29, 1952. Pleas of guilty having been entered, the court fined each defendant \$200, plus costs.

SIRUP

18654. Adulteration and misbranding of sirup. U. S. v. 98 Tins, etc. (F. D. C. No. 30494. Sample No. 76496-K.)

LIBEL FILED: January 29, 1951, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 1, 1950, by Jerold D. Lansaw, from Joplin, Mo.

PRODUCT: 98 ½-gallon unlabeled tins of sirup at Benton, Ark., together with approximately 100 labels reading, in part: "Pride of Arkansas Sorghum Made of cane products Made for and sold by Roy Lansaw and Son DeQueen, Arkansas Weight 4½ Lbs."

Examination showed that the product was sirup containing sucrose (sugar) and glucose (corn sirup).

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing glucose and sugar had been substituted in whole or in part for sorghum sirup, which the article was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food; Sections 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the article was fabricated from two or more ingredients,